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EMERGENCY RULES NOW IN EFFECT

Under s. 227.24, Stats., state agencies may promulgate rules without complying with the usual rule-making procedures. Using this special procedure to issue emergency rules, an agency must find that either the preservation of the public peace, health, safety or welfare necessitates its action in bypassing normal rule-making procedures.

Emergency rules are published in the official state newspaper, which is currently the Wisconsin State Journal. Emergency rules are in effect for 150 days and can be extended up to an additional 120 days with no single extension to exceed 60 days.

Extension of the effective period of an emergency rule is granted at the discretion of the Joint Committee for Review of Administrative Rules under s. 227.24 (2), Stats.

Notice of all emergency rules which are in effect must be printed in the Wisconsin Administrative Register. This notice will contain a brief description of the emergency rule, the agency finding of emergency, date of publication, the effective and expiration dates, any extension of the effective period of the emergency rule and information regarding public hearings on the emergency rule.

EMERGENCY RULES NOW IN EFFECT

Agriculture, Trade & Consumer Protection

Rules adopted revising **s. ATPC 11.20** and creating **ss. ATPC 11.01(11m) and 11.73**, relating to swine import and required tests.

Finding of Emergency

The state of Wisconsin department of agriculture, trade and consumer protection (department) finds that an emergency exists and that an emergency rule is necessary to protect public health, safety and welfare. The facts constituting the emergency are as follows:

- Pseudorabies is a highly contagious disease of swine and other livestock. Wisconsin initiated its pseudorabies program in 1976. Since that time, the department has worked diligently, pork producers have sacrificed significantly and the state has paid substantial costs to eradicate the disease. In 1997, the National Pseudorabies Control Board recognized Wisconsin as a pseudorabies stage IV state. If there are no incidents of pseudorabies in the state before October, 2000, the state will be classified as a pseudorabies stage V state (free of the disease) at that time. Classification as a pseudorabies stage IV or V state creates significant benefits in the swine export market.

- There has been a significant increase in pseudorabies cases reported in several pseudorabies stage II and III states. In the past, Wisconsin pork producers have imported many swine from the pseudorabies stage II and III states which are now experiencing an increase in pseudorabies.

- If pseudorabies spreads to Wisconsin, the Wisconsin pork industry will be hampered in its ability to produce and export swine and pork products.

- The increased prevalence of pseudorabies in states from which Wisconsin import shipments originate creates a substantial threat to

the pork industry in Wisconsin. The department finds that an emergency rule is needed to minimize the threat of pseudorabies.

Publication Date: May 25, 2000

Effective Date: May 25, 2000

Expiration Date: October 22, 2000

Hearing Date: June 29, 2000

[See Notice this Register]

EMERGENCY RULES NOW IN EFFECT (2)

Commerce

(PECFA – Chs. Comm 46–47)

1. Rules adopted creating **ch. Comm 46**, relating to “Petroleum Environmental Cleanup Fund Interagency Responsibilities,” and relating to site contaminated with petroleum products from petroleum storage tanks.

Exemption From Finding of Emergency (See section 9110 (3yu) 1999 Wis. Act. 9)

Analysis prepared by the Department of Commerce

Statutory authority: ss. 227.11 (2)(a) and 227.24 and s. 9110 (3yu)(b) of 1999 Wis. Act 9.

Statutes interpreted: ss. 101.143, 101.144, 292.11, and 292.31 and ch. 160

The proposed ch. Comm 46 is identical to ch. NR 746 that is being promulgated by the Department of Natural Resources.

Chapter Comm 46 provides that the Department of Natural Resources has authority for “high-risk sites” and that the Department of Commerce has authority for “low and medium risk sites.” The rule requires the Department of Natural Resources to transfer authority for sites with petroleum contamination from petroleum storage tanks to the Department of Commerce once the site is classified, unless the site is classified as a “high-risk site” or the site is contaminated by one or more hazardous substances other than petroleum products discharged from a petroleum storage tank. The rule also establishes procedures for transferring sites from one agency to the other whenever new information relevant to the site classification becomes available.

Chapter Comm 46 also provides jointly developed requirements for:

1. Selecting remedial bids and the setting of remediation targets for sites that are competitively bid or bundled with another site or sites.
2. Determining when sites may close.
3. Determining when remediation by natural attenuation may be approved as the final remedial action for a petroleum-contaminated site.
4. Tracking the achievement of remediation progress and success.
5. Reporting of program activities.

Publication Date: May 17, 2000

Effective Date: May 18, 2000

Expiration Date: September 1, 2000

Hearing Dates: June 15, July 10 & 12, 2000

2. Rules adopted amending **s. Comm 47.53**, relating to appeals of decisions issued under the Petroleum Environmental Cleanup Act (PECFA) program.

Finding of Emergency

The Department of Commerce finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

The department is receiving funds from a bonding initiative to enable it to issue approximately 3,500 decisions on applications for PECFA funding which had been awaiting the availability of funding. Because these decisions will be issued over a very short time frame, parties receiving decisions and law firms representing them, will be required to review and analyze a large volume of decisions to determine whether they wish to appeal specific departmental decisions. Given the large number of decisions and the normal rate of appeals, it is reasonable to expect that the public will be required to prepare and file a large volume of appeals within a short time period. Attorneys, lenders and consultants representing multiple claimants have expressed concern about the workload associated with having to review decisions and draft appeals on the higher volume of decisions issued by the department within the current 30 day window. The emergency rule temporarily expands the filing period from 30 days to 90 days to provide additional time to evaluate decisions and determine whether an appeal should be filed. The rule covers the time period when the highest volume of decisions are to be issued.

Publication Date: February 15, 2000
Effective Date: February 15, 2000
Expiration Date: July 14, 2000
Hearing Date: March, 27, 2000

EMERGENCY RULES NOW IN EFFECT

Employe Trust Funds

Rules adopted revising **s. ETF 20.25 (1)**, relating to the distribution to annuitants from the transaction amortization account to the annuity reserve under 1999 Wis. Act 11.

Finding of Emergency

The Department of Employee Trust Funds, Employee Trust Fund Board, Teacher Retirement Board and Wisconsin Retirement Board find that an emergency exists and that administrative rules are necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

The Public Employee Trust Fund was created for the purpose of helping public employees to protect themselves and their beneficiaries against the financial hardships of old age, disability, death, illness and accident. The Trust Fund thus promotes economy and efficiency in public service by facilitating the attraction and retention of competent employees, by enhancing employee morale, by providing for the orderly and humane departure from service of employees no longer able to perform their duties effectively, and by establishing equitable benefit standards throughout public employment. There are approximately 102,000 annuitants of the Wisconsin Retirement System, of whom about 80% reside throughout the State of Wisconsin. The Department of Employee Trust Funds estimates that up to 7,000 public employees covered by the Wisconsin Retirement System will retire and take annuity benefits effective during 1999.

WRS participants who retire during 1999 are not eligible to have their retirement benefits calculated using the higher formula factors for pre-2000 service which are provided by the treatment of Wis.

Stats. 40.23 (2m) (e) 1. through 4. by 1999 Wis. Act 11. Section 27 (b) 2. of the Act directs that any funds allocated to the employer reserve in the Trust Fund as a result of the \$4 billion transfer mandated by the Act, which exceed \$200,000,000 shall be applied towards funding any liabilities created by using the higher formula factors with respect to pre-2000 service.

If the existing administrative rule mandating proration is not revised, then the distribution of the funds transferred into the annuity reserve by Act s. 27 (1) (a) of 1999 Wis. Act 11 will be prorated with respect to annuities with effective dates after December 31, 1998, and before January 1, 2000. The extraordinary transfer of funds from the Transaction Amortization Account (TAA) mandated by 1999 Wis. 11 causes funds, which would otherwise have remained in the TAA to be recognized and fund annuity dividends in later years, to instead be transferred into the annuity reserve in 1999 and paid out as an annuity dividend effective April 1, 2000. Normally, annuities effective during 1999 would receive only a prorated dividend. If this occurred with respect to this extraordinary distribution, then annuitants with annuity effective dates in 1999 would be deprived of a portion of the earnings of the Public Employee Trust Fund that would otherwise have affected their annuities as of April 1, 2001 and in subsequent years.

Promulgation of an emergency rule is the only available option for revising the effect of Wis. Adm. Code s. ETF 20.25 (1) before December 31, 1999. Accordingly, the Department of Employee Trust Funds, Employee Trust Funds Board, Teacher Retirement Board and Wisconsin Retirement Board conclude that preservation of the public welfare requires placing this administrative rule into effect before the time it could be effective if the Department and Boards were to comply with the scope statement, notice, hearing, legislative review and publication requirements of the statutes.

Publication Date: December 27, 1999
Effective Date: December 31, 1999
Expiration Date: May 29, 2000
Hearing Date: February 11, 2000
Extension Through: July 27, 2000

EMERGENCY RULES NOW IN EFFECT (2)

Health & Family Services

(Management, Technology, etc., Chs. HFS 1-)

1. A rule was adopted revising **chapter HFS 12 and Appendix A**, relating to caregiver background checks.

Finding of Emergency

The Department of Health and Family Services finds that an emergency exists and that rules are necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

Since October 1, 1998, the Department has been implementing ss. 48.685 and 50.065, Stats., effective on that date, that require use of uniform procedures to check the backgrounds of persons who apply to the Department for regulatory approval, to a county social services or human services department that licenses foster homes for children and carries out adoption home studies, to a private child-placing agency that does the same or to a school board that contracts for day care programs, to provide care or treatment to persons who need that care or treatment, or who apply to a regulated entity to be hired or contracted with to provide services to the entity's clients or who propose to reside as a non-client at the entity. The statutes direct the regulatory agencies and regulated entities to bar persons, temporarily or permanently, depending on the conviction or finding, who have in their backgrounds a specified conviction or finding substantially related to the care of clients, from operating a service provider organization, providing care or treatment to persons who need that care or treatment or from otherwise having contact with the clients of a service provider.

To implement the new Caregiver Law, the Department on October 1, 1998, published administrative rules, ch. HFS 12, Wis. Adm. Code, by emergency order. The October 1998 emergency rules were modified in December 1998 and February 1999 by emergency order, and were replaced by permanent rules effective July 1, 1999. On September 12, 1999, the Department issued another emergency order again modifying ch. HFS 12, but only the Crimes List and not the text of the chapter. The number of specified crimes was reduced to 79, with 6 of them, all taken from ss. 48.685 and 50.065, Stats., being crimes that permanently barred persons for all programs. The change to the ch. HFS 12 Crimes List was made at that time because the 1999–2001 Budget Bill, subsequently passed by the Legislature as 1999 Wisconsin Act 9, was expected to provide for a more modest list of crimes than the one that was appended to ch. HFS 12. The more modest crimes list published by an emergency rulemaking order on September 12, 1999 reflected the Legislature's intent that some persons who under the previous rules would lose their jobs effective October 1, 1999, were able to keep their jobs.

The 1999–2001 Biennial Budget Act, 1999 Wisconsin Act 9, made several changes to ss. 48.685 and 50.065, Stats., the Caregiver Law. These changes were effective on October 29, 1999. The Department's current rules, effective July 1, 1999, as amended on September 16, 1999, have been in large part made obsolete by those statutory changes. Consequently, the Department through this order is repealing and recreating ch. HFS 12 to bring its rules for operation of the Caregiver Law into conformity with the revised statutes. This is being done as quickly as possible by emergency order to remove public confusion resulting from administrative rules, which have been widely relied upon by the public for understanding the operation of the Caregiver Law, that are now in conflict with current statutes.

The revised rules minimize repetition of ss. 48.685 and 50.065, Stats., and are designed to supplement those statutes by providing guidance on:

- Sanctions associated with the acts committed under the Caregiver Law;
- Determining whether an offense is substantially related to client care;
- Reporting responsibilities; and
- The conduct of rehabilitation review.

Publication Date: February 12, 2000
Effective Date: February 13, 2000
Expiration Date: July 12, 2000
Hearing Date: April 13, 2000

2. Rules adopted creating **ch. HFS 10**, relating to family care.

Exemption From Finding of Emergency

The Legislature in s. 9123 (1) of 1999 Wis. Act 9 directed the Department to promulgate rules required under ss. 46.286 (4) to (7), 46.288 (1) to (3) and 50.02 (2) (d), Stats., as created by 1999 Wis. Act 9, but exempted the Department from the requirement under s. 227.24 (1) and (3), Stats., to make a finding of emergency.

Analysis Prepared by the Department of Health and Family Services

Legislation establishing a flexible Family Care benefit to help arrange or finance long-term care services to older people and adults with physical or developmental disabilities was enacted as part of 1999 Wis. Act 9. The benefit is an entitlement for those who meet established criteria. It may be accessed only through enrollment in Care Management Organizations (CMOs) that meet requirements specified in the legislation.

The Act also authorizes the Department of Health and Family Services to contract with Aging and Disability Resource Centers to provide broad information and assistance services, long-term care

counseling, determinations of functional and financial eligibility for the Family Care benefit, assistance in enrolling in a Care Management Organization if the person chooses to do so, and eligibility determination for certain other benefits, including Medicaid, and other services.

Until July 1, 2001, the Department of Health and Family Services is authorized to contract with CMOs and Resource Centers in pilot counties to serve up to 29% of the state's eligible population. Further expansion is possible only with the explicit authorization of the Governor and the Legislature.

When Aging and Disability Resource Centers become available in a county, the legislation requires nursing homes, community-based residential facilities, adult family homes and residential care apartment complexes to provide certain information to prospective residents and to refer them to the Resource Center. Penalties are provided for non-compliance.

These proposed rules interpret this new legislation, the main body of which is in newly enacted ss. 46.2805 to 46.2895, Stats. The Department of Health and Family Services is specifically directed to promulgate rules by ss. 46.286 (4) to (7), 46.288 (1) to (3), 50.02 (2) (d) and 50.36 (2) (c), Stats. Non-statutory provisions in section 9123 of 1999 Wis. Act 9 require that the rules are to be promulgated using emergency rulemaking procedures and exempts the Department from the requirements under s. 227.24 (1) (a), (2) (b) and (3) of the Stats., to make a finding of emergency. These are the rules required under the provisions cited above, together with related rules intended to clarify and implement other provisions of the Family Care legislation that are within the scope of the Department's authority. The rules address the following:

- Contracting procedures and performance standards for Aging and Disability Resource Centers.
- Application procedures and eligibility and entitlement criteria for the Family Care benefit.
- Description of the Family Care benefit that provides a wide range of long-term care services.
- Certification and contracting procedures for Care Management Organizations.
- Certification and performance standards and operational requirements for CMOs.
- Protection of client rights, including notification and due process requirements, complaint, grievance, Department review, and fair hearing processes.
- Recovery of incorrectly and correctly paid benefits.
- Requirements of hospitals, long-term care facilities and Resource Centers related to referral and counseling about long-term care options.

Publication Date: February 1, 2000
Effective Date: February 1, 2000
Expiration Date: June 30, 2000
Hearing Dates: April 25, & 27, May 2, 4 & 8, 2000

EMERGENCY RULES NOW IN EFFECT

Health & Family Services (Community Services, Chs. HFS 30–)

Rules adopted revising **ch. HFS 50**, relating to adoption assistance programs.

Finding of Emergency

The Department of Health and Family Services finds that an emergency exists and that rules are necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

This rulemaking order amends ch. HFS 50, the Department's rules for facilitating the adoption of children with special needs, to

implement changes to the adoption assistance program statute, s. 48.975, Stats., made by 1997 Wisconsin Act 308. Those changes include permitting a written agreement for adoption assistance to be made following an adoption, but only in “extenuating circumstances;” permitting the amendment of an adoption assistance agreement for up to one year to increase the amount of adoption assistance for maintenance when there is a “substantial change in circumstances;” and requiring the Department to annually review the circumstances of the child when the original agreement has been amended because of a substantial change in circumstances, with the object of amending the agreement again to either continue the increase or to decrease the amount of adoption assistance if the substantial change in circumstances no longer exists. The monthly adoption assistance payment cannot be less than the amount in the original agreement, unless agreed to by all parties.

The amended rules are being published by emergency order so that adoption assistance or the higher adoption assistance payments, to which adoptive parents are entitled because of “extenuating circumstances” or a “substantial change in circumstances” under the statutory changes that were effective on January 1, 1999, may be made available to them at this time, now that the rules have been developed, rather than 7 to 9 months later which is how long the promulgation process takes for permanent rules. Act 308 directs the Department to promulgate rules that, among other things, define extenuating circumstances, a child with special needs and substantial change in circumstances.

Publication Date: November 16, 1999
Effective Date: November 16, 1999
Expiration Date: April 13, 2000
Hearing Dates: February 24, & 28, 2000
Extension Through: July 31, 2000

EMERGENCY RULES NOW IN EFFECT

Health & Family Services

(Medical Assistance, Chs. HFS 101–108)

Rules adopted revising **chs. HFS 102, 103 and 108**, relating to the medicaid purchase plan.

Finding of Emergency

The Department of Health and Family Services finds that an emergency exists and that the rules are necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

This order creates rules that specify the manner in which a new program called the Medicaid Purchase Plan, established under s. 49.472, Stats., as created by 1999 Wis. Act 9, will operate. Under the Medicaid Purchase Plan, working adults with disabilities whose family net income is less than 250% of the poverty line are eligible to purchase Medical Assistance, the name given to Medicaid in Wisconsin, on a sliding-fee scale. The order incorporates the rules for operation of the Medicaid Purchase Plan into chs. HFS 101 to 103 and 108, four of the Department’s chapters of rules for operation of the Medical Assistance program.

The Medicaid Purchase Plan is projected to provide health care coverage to 1,200 Wisconsin residents with disabilities by the end of Fiscal Year 2001.

Health care coverage under the Medicaid Purchase Plan is identical to the comprehensive package of services provided by Medical Assistance. Individuals enrolled in the Medicaid Purchase Plan would also be eligible for Wisconsin’s home and community-based waivers under s. 46.27, Stats., provided they meet the functional criteria for these waivers.

Department rules for the operation of the Medicaid Purchase Plan must be in effect before the Medicaid Purchase Plan may begin. The program statute, s. 49.472, Stats., as created by Act 9, effective October 27, 1999, states that the Department is to implement the Medical Assistance eligibility expansion under this section not later than January 1, 2000, or 3 months after full federal approval, whichever is later. Full federal approval was received on January 7, 2000. The Department is publishing the rules by emergency order with an effective date of March 15, 2000 to meet the expected program implementation date and the legislative intent in order to provide health care coverage as quickly as possible to working people with disabilities.

The rules created and amended by this order modify the current Medical Assistance rules to accommodate the Medicaid Purchase Plan and in the process provide more specificity than s. 49.472, Stats., as created by Act 9, regarding the non-financial and financial conditions of eligibility for individuals under the Medicaid Purchase Plan; define whose income is used when determining eligibility and the monthly premium amount; explain statutory conditions for continuing eligibility; explain how the monthly premium amount is calculated; describe the processes associated with the independence account; and set forth how the Department, in addition to providing Medical Assistance coverage, is to purchase group health coverage offered by the employer of an eligible individual or an ineligible family member of an eligible member for the Medicaid Purchase Plan if the Department determines that purchasing that coverage would not cost more than providing Medical Assistance coverage.

Publication Date: March 15, 2000
Effective Date: March 15, 2000
Expiration Date: August 12, 2000
Hearing Dates: June 15, 16, 19 & 20, 2000

EMERGENCY RULES NOW IN EFFECT

Natural Resources

(Environmental Protection – General, Chs. NR 100–)

Rules adopted creating **ch. NR 195**, relating to establishing river protection grants.

Finding of Emergency

The department of natural resources finds that an emergency exists and a rule is necessary for the immediate preservation of the public health, safety or welfare. The facts constituting the emergency are:

These grants are funded from a \$300,000 annual appropriation that lapses into other programs at the end of each fiscal year. Due to delays in approving the biennial budget, there is not enough time remaining in the current fiscal year to develop a permanent rule, following standard procedures, to allow grants to be awarded with the current fiscal year appropriation. Potential river protection grant sponsors have been anticipating these grants and are ready to apply and make use of these funds. An emergency order will prevent the loss of \$300,000 for protecting rivers that the legislature clearly intended to make available to these organizations. Initiating this much-anticipated program through emergency order, while permanent rules are being developed, is a positive step toward successful implementation.

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Hearing Dates: March 16, 17, 21 & 22, 2000

EMERGENCY RULES NOW IN EFFECT

Natural Resources

(Environmental Protection—Investigation and Remediation, Chs. NR 700–)

Rules adopted revising **chs. NR 700, 716, 720, 722, 726 and creating ch. NR 746**, relating to site contaminated with petroleum products discharged from petroleum storage tanks.

Exemption From Finding of Emergency (See section 9110 (3yu) 1999 Wis. Act 9)

The proposed ch. NR 746 is identical to ch. Comm 46 that is being promulgated by the Department of Commerce.

Chapter NR 746 provides that the Department of Natural Resources has authority for “high-risk sites” and that the Department of Commerce has authority for “low and medium risk sites.” The rule requires the Department of Natural Resources to transfer authority for sites with petroleum contamination from petroleum storage tanks to the Department of Commerce once the site is classified, unless the site is classified as a “high-risk site” or the site is contaminated by one or more hazardous substances other than petroleum products discharged from a petroleum storage tank. The rule also establishes procedures for transferring sites from one agency to the other whenever new information relevant to the site classification becomes available.

Chapter NR 746 also provides jointly developed requirements for:

1. Selecting remedial bids and the setting of remediation targets for sites that are competitively bid or bundled with another site or sites.
2. Determining when sites may close.
3. Determining when remediation by natural attenuation may be approved as the final remedial action for a petroleum-contaminated site.
4. Tracking the achievement of remediation progress and success.
5. Reporting of program activities.

The amendments and new provisions that are proposed to be added to chs. NR 700, 716, 720, 722 and 726, as part of this rule package, consist of cross-references to ch. NR 746 that are proposed to be inserted in chs. NR 700, 716 and 726, and exemptions from the requirements in chs. NR 720 and 722 that would conflict with the requirements in ch. NR 746: that is, an exemption from the soil cleanup standards in ch. NR 720 and the remedial action option evaluation requirements in ch. NR 722 for those sites contaminated with petroleum products discharged from petroleum storage tanks that satisfy the risk criteria in s. NR 746.06 and are eligible for closure under s. NR 746.07.

Publication Date: May 17, 2000
Effective Date: May 18, 2000
Expiration Date: September 1, 2000
Hearing Dates: June 15, July 10 & 12, 2000

EMERGENCY RULES NOW IN EFFECT (6)

Public Instruction

1. Rules adopted revising **ch. PI 35**, relating to the Milwaukee parental school choice program.

Finding of Emergency

The Department of Public Instruction finds that an emergency exists and that a rule is necessary for the immediate preservation of the public health, safety or welfare. A statement of the facts constituting the emergency is:

Emergency rules are necessary to clarify the eligibility criteria and requirements for parents and participating private schools in time for schools to properly establish procedures for the 2000–2001 school year. Furthermore, emergency rules are necessary to allow the private schools to begin planning summer school programs. The department is in the process of developing permanent rules, but such rules will not be in place prior to January 2000.

The requirements established under this rule have been discussed with the private schools and initial indications reflect an acceptance of these provisions.

Publication Date: January 4, 2000
Effective Date: January 4, 2000
Expiration Date: June 2, 2000
Hearing Date: March 20, 2000
Extension Through: July 31, 2000

2. Rules adopted creating **ch. PI 10**, relating to supplemental aid for school districts with a large area.

Finding of Emergency

The Department of Public Instruction finds that an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

1999 Wis. Act 9 appropriated \$125,000 to be awarded by the department to eligible school districts in the 1999–2000 school year. Emergency rules are necessary to clarify the eligibility criteria and procedures for school districts to apply for funds under the program.

The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Publication Date: January 28, 2000
Effective Date: January 28, 2000
Expiration Date: June 26, 2000
Hearing Date: March 15, 2000

3. Rules adopted creating **ch. PI 24**, relating to state aid for achievement guarantee contracts and aid for debt service.

Finding of Emergency

The Department of Public Instruction finds that an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

State Aid for Achievement Guarantee Contracts:

The department will send SAGE contract information to school districts by mid-February and require proposed contracts to be submitted to the department by April 1, 2000. Emergency rules are necessary to clarify the eligibility criteria and requirements for school districts applying for state aid for achievement guarantee contracts in time for the 2000–2001 school year.

Partial Debt Service Reimbursement:

On or after October 29, 1999, a school board must adopt an initial resolution under s. 67.05 (6a), Stats., for issuance of bonds where the purpose for borrowing includes providing funds for classroom expansion necessary to fulfill a contract under s. 118.43, Stats. Emergency rules are necessary to clarify the criteria and procedures for SAGE school districts to receive partial debt service reimbursement for the 2000–2001 school year.

The proposed rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Publication Date: January 28, 2000
Effective Date: January 28, 2000
Expiration Date: June 26, 2000
Hearing Date: March 15, 2000

4. Rules adopted creating **ch. PI 44**, relating to alternative education grants.

Finding of Emergency

The Department of Public Instruction finds that an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

1999 Wis. Act 9 appropriated \$5,000,000 to be awarded by the department to eligible school districts or consortia of school districts in the 2000–2001 school year. Emergency rules are necessary to clarify the eligibility criteria and procedures for school districts or consortia of school districts to apply for funds under the program.

The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Publication Date: January 28, 2000
Effective Date: January 28, 2000
Expiration Date: June 26, 2000
Hearing Dates: March 9, 14 & 15, 2000

5. Rules adopted creating **s. PI 6.07**, relating to the public library system aid payment adjustments.

Finding of Emergency

The Department of Public Instruction finds that an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

In accordance with s. 43.24 (1)(b), Stats., the rules adjust public library aid payments to be consistent with system services areas after territorial changes occur. Using the formula created under the rule, an aid adjustment will be paid by the department in April for a territorial change. Emergency rules must be in place before the formula may be used.

Publication Date: March 4, 2000
Effective Date: March 4, 2000
Expiration Date: August 1, 2000
Hearing Date: April 4, 2000

6. Rules adopted revising **ch. PI 32**, relating to grants for alcohol and other drug abuse programs.

Finding of Emergency

The Department of Public Instruction finds that an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

For the upcoming school year, the department will send grant application materials to school districts in March. Grant applications must be returned to the department in the spring of 2000 and grants will be awarded prior to July 1, 2000. In order for applicants to development proposals and for the state superintendent to review the proposals and make grant awards in time for the 2000–2001 school year, rules must be in place as soon as possible.

Publication Date: March 4, 2000
Effective Date: March 4, 2000
Expiration Date: August 1, 2000
Hearing Dates: March 6 and 8, 2000

EMERGENCY RULES NOW IN EFFECT**Public Service Commission**

Rules adopted amending **s. PSC 116.03(4)** and creating **s. PSC 116.04(6)**, relating to the definition of fuel and permissible fuel costs.

Finding of Emergency

In order to preserve the health, safety, and welfare of Wisconsin residential, commercial and industrial ratepayers it is necessary to amend ch. PSC 116 Wis. Adm. Code. Amending the definition of “fuel” in s. PSC 116.03(4) and creating s. PSC 116.04(6) would allow investor-owned utilities the ability to incorporate the cost of voluntary curtailment into the cost of fuel to increase the reliability of electric service in Wisconsin for the summer of 2000 and beyond. This change would assist in implementing the requirement of 1999 Wis. Act 9, s. 196.192(2)(a), Stats.

Publication Date: June 5, 2000
Effective Date: June 5, 2000
Expiration Date: November 2, 2000

EMERGENCY RULES NOW IN EFFECT**Revenue**

Rules were adopted revising **ch. WGC 61**, relating to the implementation and maintenance of the retailer performance program of the Wisconsin lottery.

Finding of Emergency

The Department of Revenue finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

Sections 565.02 (4)(g) and 565.10 (14)(b)3m., Stats., as created by 1999 Wis. Act 9, provide for the implementation of a retailer performance program, effective January 1, 2000. The program may be implemented only by the promulgation of rules.

This rule is therefore promulgated as an emergency rule and shall take effect upon publication in the official state newspaper. The retailer performance program is being implemented retroactively to January 1, 2000, pursuant to Section 9443 (1) of 1999 Wis. Act 9.

Publication Date: March 3, 2000
Effective Date: March 3, 2000
Expiration Date: July 31, 2000
Hearing Date: May 31, 2000

EMERGENCY RULES NOW IN EFFECT

Wisconsin Technical College System

Rules adopted creating **ch. TCS 16**, relating to grants for students.

Finding of Emergency

The Wisconsin Technical College System (WTCS) Board finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting the emergency is:

1999 Wis. Act 9 (the 2000–2001 biennial budget bill) took effect on October 29, 1999. That act created ss. 20.292(1)(ep) and 38.305, Stats. An annual appropriation of \$6,600,000 GPR in the second fiscal year of the 2000–2001 biennium was established. These funds are to be awarded by the WTCS Board as grants to students who are attending a Wisconsin technical college on a full-time basis and who are enrolled in a vocational diploma or associate degree program.

The Act requires the WTCS Board to promulgate rules to implement and administer the awarding of these grants. The Board has begun the permanent rule making process for establishing administrative rules for these student grants, but cannot complete the required public hearing and review of these rules prior the start of the upcoming school year, which begins on July 1, 2000. Moreover, prospective students evaluate their educational options, including costs, as early as February preceding their graduation from high school. Therefore, for the TOP Grant program to be implemented and the funds distributed to each technical college district, and in turn to each eligible student, in time for the upcoming school year, emergency administrative rules must be established immediately.

Publication Date: February 1, 2000
Effective Date: February 1, 2000
Expiration Date: June 30, 2000
Hearing Date: May 1, 2000

EMERGENCY RULES NOW IN EFFECT (2)

Transportation

1. Rules adopted revising **ch. Trans 4**, relating to requiring the use of a fully allocated cost methodology when evaluating bids solicited for transit service in a competitive process.

Exemption From Finding of Emergency

Chapter Trans 4 establishes the Department's administrative interpretation of s. 85.20, Stats. and prescribes administrative policies and procedures for implementing the state urban public transit operating assistance program authorized under s. 85.20, Stats. 1999 Wis. Act 9, section 9150(2bm), requires the Department to adopt an emergency rule to amend Chapter Trans 4 by adding a section that requires that cost proposals submitted by a publicly owned transit system in response to a request for proposals issued by a public body for the procurement of transit services to be funded under the state urban transit operating assistance program must include an analysis of fully allocated costs. The analysis must include all of the publicly owned system's costs, including operating subsidies and capital grants. This analysis shall be the basis for evaluating costs when ranking proposals.

Pursuant to 1999 Wis. Act 9, section 9150(2bm)(b), the Department is not required to provide evidence that the rule is necessary for the preservation of the public peace, health, safety or welfare, and is not required to provide a finding of emergency.

Publication Date: December 12, 1999
Effective Date: December 12, 1999
Expiration Date: July 1, 2000
Hearing Date: February 14, 2000

2. Rule adopted creating **s. Trans 4.09 (4)**, relating to cost-efficiency standards for systems participating in the Urban Mass Transit Operating Assistance program.

Finding of Emergency

The Department of Transportation finds that an emergency exists and that the rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is as follows:

1999 Wis. Act 9 specifies that the Department may not enter into a contract for the payment of state aids until cost-efficiency standards have been incorporated into an administrative rule, which is "in effect" for calendar year 2000 contracts, and unless the contract requires the transit system to comply with those rules as a condition of receiving state aid. The Department is promulgating this emergency rule making so that state aid contracts can be executed prior to the scheduled first quarter payment date (March 31) in calendar year 2000 to ensure that payments are not delayed causing undue hardship to Wisconsin municipalities.

Publication Date: March 23, 2000
Effective Date: March 23, 2000
Expiration Date: August 20, 2000
Hearing Date: April 12, 2000

EMERGENCY RULES NOW IN EFFECT

Workforce Development

(Economic Support, Chs. DWD 11–59)

Rules adopted creating **s. DWD 12.28**, relating to Wisconsin works disregard of year 2000 census income.

Finding of Emergency

The Department of Workforce Development finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

The Department of Workforce Development is acting under its statutory authority to establish additional eligibility criteria and specify how eligibility criteria are to be administered for the Wisconsin Works (W-2) program. The department is promulgating a rule to exclude income earned from temporary employment with the U.S. Census Bureau in determining W-2 and child care eligibility and child care copayments. The rule will contribute to the welfare of the people of Wisconsin by broadening the pool of available workers to help ensure an accurate Census count, particularly in low-income neighborhoods. The rule must be effective immediately because temporary Census employment is expected to begin April 2000 and last two to six months. DWD will not be seeking a permanent rule on this issue.

Publication Date: April 9, 2000
Effective Date: April 9, 2000
Expiration Date: September 6, 2000
Hearing Date: May 15, 2000

EMERGENCY RULES NOW IN EFFECT

Workforce Development

(Prevailing Wage Rates, Ch. DWD 290–294)

A rule was adopted revising **s. DWD 290.155**, relating to the annual adjustment of thresholds for application of the prevailing wage rates for state or local public works projects.

Finding of Emergency

The Department of Workforce Development finds that an emergency exists and that a rule is necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

The Department of Workforce Development is acting under its statutory authority to annually adjust thresholds for the application of prevailing wage laws on state or local public works projects. The thresholds are adjusted in accordance with any change in construction costs since the last adjustment. The last adjustment was by emergency rule in January 1999 based on construction costs in December 1998. The Department uses the construction cost index in the December issue of the Engineering News–Record, a national

construction trade publication, to determine the change in construction costs over the previous year. The current construction cost index indicates a 2.3% increase in construction costs over the previous year. This increase in construction costs results in an increase in the threshold for application of the prevailing wage laws from \$33,000 to \$34,000 for single-trade projects and from \$164,000 to \$168,000 for multi-trade projects.

If these new thresholds are not put into effect by emergency rule, the old thresholds will remain effective for approximately six months, until the conclusion of the permanent rule-making process. Between January 1, 2000, and July 1, 2000, a single-trade project with a minimum estimated project cost of more than \$33,000 but less than \$34,000 or a multi-trade project with an estimated cost of more than \$164,000 but less than \$168,000 would not be exempt from the prevailing wage laws, as they would be if the emergency rule were promulgated. The threshold adjustments for application of the prevailing wage laws are based on national construction cost statistics and are unlikely to be changed by the permanent rule-making process. The Department is proceeding with this emergency rule to avoid imposing an additional administrative burden on local governments and state agencies.

Publication Date:	December 29, 1999
Effective Date:	January 1, 2000
Expiration Date:	May 30, 2000
Hearing Date:	February 28, 2000
Extension Through:	July 28, 2000

STATEMENTS OF SCOPE OF PROPOSED RULES

Dentistry Examining Board

Subject:

DE Code – Relating to retaking an examination, having failed more than three times.

Description of policy issues:

Objective of the rule:

The objective of the rule is to develop a rule that will outline a system of remediation for applicants who have failed an examination more than three times.

Policy analysis:

Current rules do not list a specific system of remediation for those applicants who have failed an examination more than three times. This rule-making does that.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) and 447.04 (1) (a) 6. and (2) (a) 6., Stats.

Estimate of the amount of state employee time and any other resources that will be necessary to develop the rule:

80 hours.

Employe Trust Funds

Subject:

S. ETF 10.10 – Relating to clarifying the election procedures to be used to add a new member to the Employe Trust Funds Board as required pursuant to 1999 Wis. Act 181.

Description of policy issues:

Objectives of the rule:

The proposed rule is intended to clarify the election procedures to add a new member to the Employe Trust Funds Board.

Policy analysis:

1999 Wis. Act 181, effective June 2, 2000, added one new member to the Employe Trust Funds Board. The new member is a Wisconsin Retirement System (WRS) participant who is either a public school district educational support personnel employee or a technical college district educational support personnel employee. The new member is elected to the Employe Trust Funds Board with a term initially expiring on May 1, 2003.

Currently, s. ETF 10.10, pertaining to the Employe Trust Funds Board and Teachers Retirement Board elections, sets forth the election procedures of participating employees and annuitants to the Employe Trust Funds or Teachers Retirement Boards. The Code references elections held for all positions on either Board that are elected to that Board. Specifically, s. ETF 10.10 (1) references elections held for the following positions on either the Employe Trust Funds Board or the Teachers Retirement Board:

- An annuitant under s. 15.16 (1), Stats.;
- Six public school teachers under s. 15.165 (3) (a) 1., Stats.;
- A public school teacher from a technical college district under s. 15.165 (3) (a) 2., Stats.;
- An annuitant who was a teacher participant under s. 15.165 (3) (a) 6., Stats.; and
- A teacher in the city of Milwaukee under s. 15.165 (3) (a) 7., Stats.

Since the current Wisconsin Administrative Code does not include election procedures for the new member added to the Employe Trust Funds Board as required under 1999 Wis. Act 181, s. ETF 10.10 will need to be modified to include the addition of the new member under the current procedures for Board elections.

Policy alternatives to the proposed rule:

1999 Wis. Act 181 requires the addition of either a public school district educational support personnel employee or a technical college district educational support personnel employee to the Employe Trust Funds Board. The new member is required by law to be elected to the Employe Trust Funds Board by its participating members.

If the rule is not revised, the result would be uncertainty in the proper procedures used to elect the new member to the Board. This clarification is necessary so participating employees of educational support personnel for the public school districts and technical college districts are fully aware of the procedures to elect a member to the Employe Trust Funds Board.

Statutory authority for rule-making:

Section 40.03 (1) (m) and (2) (i), Stats.

Staff time required:

The Department estimates that state employees will spend 10 hours to develop this rule.

Professional Geologists, Hydrologists and Soil Scientists Examining Board

Subject:

GHSS Code – Relating to the rules committee.

Description of policy issues:

Objective of the rule:

The objective of the rule is to authorize the Board to form a rules committee. The Board may currently approve and adopt rules proposed by any section of the Board. A rules committee would better enable the Board to develop and refine rules proposed by the sections of the Board. This would meet the objective of standardizing the rules development process between the sections of the Board and provide for greater efficiency.

Policy analysis:

The proposed rule would consist of two sections. The first section would permit the Board to approve and adopt rules proposed by any section of the Board. The second section would define the composition of a rules committee and provide that the rules committee shall act for the Board in rule-making proceedings, except for final rule adoption.

Statutory authority:

Sections 15.08 (5) (b), 15.405 (2m) and 227.11 (2) and ch. 470, Stats.

Estimate of the amount of state employee time and any other resources that will be necessary to develop the rule:

100 hours.

Hearing and Speech Examining Board

Subject:

HAS Code – Relating to examination requirements, definitions and technical corrections.

Description of policy issues:

Objective of the rule:

The objective of the rule is to:

- Create a provision for an examination equivalency;

- Create a definition of “assist in the practice” relating to unlicensed individuals;
- Create a definition of “supervision” relating to temporary licensees; and
- Clarity, grammar, punctuation and use of plain language.

Policy analysis:

Include a provision in the rules that would permit the Hearing and Speech Examining Board to accept an examination that it determines to be substantially equivalent to the national examination for speech-language pathology and audiology given by the American Speech-Language Hearing Association.

Define the term “assist in the practice” as the term relates to the practice of speech-language pathology and audiology by unlicensed individuals.

Define the term “supervision” as the term relates to the practice of speech-language pathology and audiology by temporary licensees.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2), 459.22 (2) (e), 459.24 (6) (a) and (b) and 459.26 (2), Stats.

Estimate of the amount of state employee time and any other resources that will be necessary to develop the rule:

80 hours.

***Social Workers, Marriage and Family
Therapists and Professional Counselors
Examining Board***

Subject:

S. SFC 3.13 – Relating to ratifying rules procedure relating to [Clearinghouse Rule 99-002](#).

Description of policy issues:

Objective of the rule:

The objective of the rule is to ratify the rule-making procedure for [Clearinghouse Rule 99-002](#), which relates to criteria for approval of “another human service program approved by the section.”

Policy analysis:

This rule-making process began in April of 1998. A meeting was held in late 1999 with Representative Gregg Underheim, chair of the Assembly Committee on Health, who had requested changes relating to the requirement of a senior capstone course. The section made that change. However, the rule was adopted without it having gone back to the committee for a further ten day review period. This rule-making order will repeal and recreate s. SFC 3.13 (1) (a) to correct the rule-making procedure that was followed.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) and 457.09, Stats.

Estimate of the amount of state employee time and any other resources that will be necessary to develop the rule:

40 hours.

***Social Workers, Marriage and Family
Therapists and Professional Counselors
Examining Board***

Subject:

SFC Code – Relating to the state jurisprudence examination.

Description of policy issues:

Objective of the rule:

The objective of the rule is to eliminate the need for already-credentialed applicants to retake the state jurisprudence examination.

Policy analysis:

The Social Worker Section issues four different types of social work certification, based on an applicant’s education and experience. An individual who has received one type of certification may later apply for another type. All applicants are currently required to take and pass a state jurisprudence examination. The proposed change would eliminate the need to retake the state jurisprudence examination if the applicant passed the examination within the previous five years.

Statutory authority:

Sections 15.08 (5) (b) and 227.11 (2), Stats.

Estimate of the amount of state employee time and any other resources that will be necessary to develop the rule:

80 hours.

SUBMITTAL OF RULES TO LEGISLATIVE COUNCIL CLEARINGHOUSE

Notice of Submittal of Proposed Rules to Wisconsin Legislative Council Rules Clearinghouse

Please check the Bulletin of Proceedings for further information on a particular rule.

Commerce

(Uniform Dwelling, Chs. Comm 20-25)

Rule Submittal Date

On May 26, 2000, the Wisconsin Department of Commerce submitted a proposed rule affecting chs. Comm 20-25, Wis. Adm. Code, to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule affects chs. Comm 20-25, relating to municipal inspection requirements under the Uniform Dwelling Code.

Agency Procedure for Promulgation

A public hearing is required and two public hearings are scheduled. The first hearing is on Wednesday, June 28, 2000 at 10:00 a.m. in Room 3B of the Tommy G. Thompson Conference Center, 201 West Washington Ave., Madison. The second hearing is on Thursday, June 29, 2000 at 10:30 a.m. in the First Floor Board Room at the Plover Municipal Building, 2400 Post Road (Business Highway 51), Plover. The agency unit primarily responsible for promulgation of the rule is the Division of Safety and Buildings.

Contact Information

If you have any questions regarding this rule, please contact:

Duane Hubeler
Dept. of Commerce
Telephone (608) 266-1390

Regulation and Licensing

(Real Estate Appraisers Board)

Rule Submittal Date

On May 22, 2000, the Wisconsin Department of Regulation and Licensing submitted a proposed rule to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

Statutory authority: Sections 227.11 (2) and 458.24, Stats.

The proposed rule-making order affects s. RL 86.01 and ch. RL 87, Appendix I, relating to the 2000 edition of the Uniform Standards of Professional Appraisal Practice (USPAP).

Agency Procedure for Promulgation

A public hearing is required and will be held on Wednesday, June 28, 2000 at 9:45 a.m. in Room 180 at 1400 East Washington Ave., Madison, Wisconsin.

Contact Information

Pamela Haack
Administrative Rules Coordinator
Telephone (608) 266-0495

Transportation

Rule Submittal Date

On May 30, 2000, the Wisconsin Department of Transportation submitted a proposed rule affecting ch. Trans 276, Wis. Adm. Code, to the Wisconsin Legislative Council Rules Clearinghouse.

Analysis

The proposed rule affects ch. Trans 276, relating to allowing the operation of "double bottoms" (and certain other vehicles) on certain specified highways.

Agency Procedure for Promulgation

A public hearing is required and a public hearing is scheduled for Thursday, June 29, 2000 at 10:00 a.m. in Room 419 in the Hill Farms State Transportation Building, 4802 Sheboygan Ave., Madison, Wisconsin.

The organizational unit primarily responsible for promulgation of this proposed rule is the Division of Infrastructure Development/Bureau of Highway Operations.

Contact Information

If you have questions regarding this rule, please contact:

Julie A. Johnson, Paralegal
Dept. of Transportation
Telephone (608) 266-8810
FAX: (608) 267-6734

NOTICE SECTION

Notice of Hearing

Agriculture, Trade & Consumer Protection

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection announces it will hold a public hearing on its emergency rule (ss. ATCP 11.01(11m), 11.20 and 11.73) relating to swine import and required tests.

Hearing Information

June, 29, 2000
Thursday
2:00 p.m.

Department of Agriculture, Trade
and Consumer Protection
Prairie Oak State Office Building
Room 172
2811 Agriculture Drive
Madison, Wisconsin

Public comment is being sought on the Department's emergency rule, pursuant to s. 227.24(4), Stats., which requires that a public hearing be held within 45 days after an emergency rule is adopted. Following the public hearing, the hearing record will remain open until **July 7, 2000** to receive additional written comments.

An interpreter for the hearing impaired will be available on request for this public hearing. Please make reservations for a hearing interpreter by **June 22, 2000** either by writing to Dr. Robert Ehlenfeldt, Division of Animal Health, P.O. Box 8911, Madison, WI 53708-8911 (telephone 608-224-4880) or by calling the Department TDD at 608-224-5058.

Analysis prepared by the Department of Agriculture, Trade and Consumer Protection

Statutory authority: ss. 93.07(1), (10) and 95.27(8)

Statutes interpreted: ss. 93.07(10), 95.23 and 95.27

This emergency rule modifies current animal health rules related to the import of swine and the prevention and control of pseudorabies in Wisconsin. This rule does the following:

- Under current rules, if a person imports animals without complying with disease testing requirements, the department may summarily order that the animals be destroyed or removed from this state. This rule retains the department's authority to order destruction or removal. This rule also authorizes the department to perform the required tests and charge the owner for the tests.

- Swine imported from pseudorabies stage I or II states must originate from a pseudorabies qualified negative herd or qualified negative grow-out herd that qualifies on the basis of monthly testing.

- Breeder swine or show pigs imported from a pseudorabies stage III state must meet one of the following requirements:

- * They must originate from a pseudorabies qualified negative herd or qualified negative grow-out herd that qualifies on the basis of monthly testing.

- * They must test negative on a pseudorabies test conducted not more than 30 days before the animals are imported into Wisconsin.

- The person who imports swine from a pseudorabies stage I, II or III state must obtain an import permit from the department. If the swine originate from a pseudorabies stage I or II state, the department may not issue the permit until the person receiving the import shipment enters into a herd plan with the department.

- All breeder swine and all show pigs imported from a pseudorabies stage I, II or III state must be tested for pseudorabies not less than 30 nor more than 45 days after import.

- A person receiving swine (other than breeder swine or show pigs) from a pseudorabies stage I, II or III state must test a representative statistical sample of those swine for pseudorabies not less than 30 nor more than 45 days after import.

- All slaughter swine originating from a pseudorabies stage I or II state must be shipped directly to a slaughter establishment in a sealed vehicle, and must be accompanied by a USDA permit (Form VS 1-27) or a Wisconsin import for slaughter form completed by a person approved by the department.

- No swine imported from a pseudorabies stage I or II state for feeding prior to slaughter may be removed from the feeding premises except for shipment directly to slaughter.

- A veterinarian issuing a certificate of veterinary inspection for swine imported from a pseudorabies stage I, II or III state must submit the certificate to DATCP by fax or electronic transmission within 24 hours.

Fiscal Estimate

The department does not expect this emergency rule to any effect on local governments. It will have minimal effects on state government. Any additional work or costs associated with this emergency rule will be absorbed in the Department's current spending authorization.

Initial Regulatory Flexibility Analysis

A regulatory flexibility analysis as required under s. 227.114, Stats., will be prepared and published as part of a proposed permanent rule to repeal and recreate s. ATP 11.20 and to create ss. ATP 11.01(11m) and 11.73 Wis. Adm. Code.

Copies of the Emergency Rule

A copy of the emergency rule to be considered may be obtained, free of charge, from:

Animal Health Division
Wisconsin Department of Agriculture,
Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911

Notice of Hearings

Commerce

*Uniform Dwelling Code,
Chs. Comm 20-25)*

[CR 00-98]

Notice is hereby given that pursuant to ss. 101.02 (1), 101.63 (1), 101.64 (3), 101.72 and 101.74, Stats., the Department of Commerce will hold public hearings on proposed rules relating to Municipal Inspection Requirements Under the Uniform (1-2 Family) Dwelling Code.

Hearing Information

June 28, 2000 Wednesday 10:00 a.m.	Tommy G. Thompson Conference Center Room 3B 201 W. Washington Ave. Madison, WI
June 29, 2000 Thursday 10:30 a.m.	Plover Municipal Bldg. First Floor Boardroom 2400 Post Road*, Plover, WI
*Post Road is Business Highway 51	

Interested persons are invited to appear at the hearings and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until **Friday, July 14, 2000** to permit submittal of written comments from persons who are unable to attend a hearing or who wish to supplement testimony offered at a hearing.

These hearings are held in accessible facilities. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or TTY at (608) 264-8777 at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon request by a person with a disability.

A copy of the proposed rules may be obtained without cost from Audrey Fries, Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, Wisconsin 53701, telephone (608) 266-9375 or (608) 264-8777 (TTY). Copies will also be available at the public hearings.

Analysis of Proposed Rules

Statutory Authority: ss. 101.02 (1), 101.63 (1), 101.64 (3), 101.72 and 101.74

Statutes Interpreted: s. 101.651 (2m)

1999 Wis. Act 9 altered requirements in s. 101.651, Stats., and expanded the Uniform Dwelling Code (UDC) permit and inspection program to apply mandatorily to cities, villages and towns with populations of 2,500 or less. Effective May 1, 2000, the Department of Commerce will be required to operate a UDC permit and inspection program for newly constructed homes in municipalities with populations of 2,500

or less in which the county or the municipality does not take action. Cities, villages and towns with populations of 2,500 or less would be able to opt out of the county or state permit and inspection program by resolution of the governing board filed with the Department.

This law gives four options for municipalities with populations of 2,500 or less:

1. The city, village or town can run the program.
2. The county can run the program, with approval from the municipality.
3. The state can run the program.
4. The city, village or town can opt out of a county or state run program, thus having no program.

Cities, villages and towns with populations greater than 2,500 must have a permit and inspection program. If these larger municipalities do not provide a permit and inspection program, the county government can conduct a program. If municipalities with populations greater than 2,500 fail to adopt a program and there is no county ordinance, the State must run the program.

The proposed rules will clarify requirements for municipalities that choose to take on the new inspection and permitting duties and will clarify the Department's procedures for municipalities that choose to have the state run their programs.

Environmental Analysis

Notice is hereby given that the Department has considered the environmental impact of the proposed rules. In accordance with chapter Comm 1, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.

Fiscal Estimate

Assumptions Used in Arriving at Fiscal Estimate:

1999 Wis. Act 9 expanded the Uniform Dwelling Code (UDC) permit and inspection program to apply mandatorily to cities, villages and towns with populations of 2,500 or less. Effective May 1, 2000, the Department of Commerce will be required to operate a UDC permit and inspection program for newly constructed homes in municipalities with populations of 2,500 or less in which the county or the municipality does not take action. Cities, villages and towns with populations of 2,500 or less would be able to opt out of the county or state permit and inspection program by resolution of the governing board filed with the Department.

Based on census data, it is anticipated that there will be 11,500 new housing starts annually that are currently not under permit. Commerce estimates that 75 % of these housing starts (8,600 homes) will secure UDC permits and have a permit and inspection activity associated with each permit. That means municipalities, counties or Commerce will be providing permit and inspection programs for the new housing starts. Municipalities and counties that provide permit and inspection programs will administer their own programs. Municipalities and counties that do not administer their own programs will have the permit and inspection programs administered by Commerce. It is anticipated that 50 percent of the UDC permits issued (4,300 homes) will have permit and inspection programs administered through Commerce.

For those permit and inspection programs that Commerce will be responsible for, Commerce will contract with third party agents to provide the services. The agents, who will be UDC-certified building inspectors, will review building plans, perform field inspections, issue permits and collect fees. A bidding process based on predetermined service criteria will be used to select the agents. The agents will charge permit fees and fund their costs from the fee. The agents will purchase uniform building permit seals from Commerce at a cost of \$25.00 each.

Although it is anticipated that all permit and inspection programs administered through Commerce will be through contracted agents, there will be added duties for Commerce staff. Added duties include consultation, contract administration, education and training, contractor and local government auditing, permit handling, and review of petitions for variance. Existing staff cannot absorb the expanded duties required by this law change. An additional 3.2 FTE positions (2.0 FTE building inspector and 1.2 FTE program assistant) will provide the Division with the ability to meet the demands of the expanded program.

Municipalities and agents would have to purchase Uniform Building Permit Seals with every new housing start that secures a UDC permit. It is anticipated that increased revenue generated from the purchase of the Uniform Building Permit Seal, at a fee of \$25 each, will cover the projected costs.

Initial Regulatory Flexibility Analysis

1. Types of small businesses that will be affected by the rules.

Homebuilders who have previously done business only in non-enforcing municipalities will now be subject to permitting, plan review, and inspection activities. Independent inspection firms will be affected. There will be a greater demand for their services.

2. Reporting, bookkeeping and other procedures required for compliance with the rules.

Homebuilders who have previously done business only in non-enforcing municipalities will have to comply with rules for obtaining permits and for complying with plan review requirements. A larger number of inspectors will have to obtain seals from the department or municipality and will be required to forward inspection reports for completed projects to the department.

3. Types of professional skills necessary for compliance with the rules.

There should be no additional professional skills needed to comply with these rules.

Notice of Hearing

Regulation & Licensing

[CR 00-100]

Notice is hereby given that pursuant to authority vested in the Department of Regulation and Licensing in ss. 227.11 (2), 440.26 (1) (b), (2) (c), (3m) and (6) and 440.974 (2), Stats., and interpreting ss. 440.03 (13), 440.26 and 440.974 (2), Stats., the Department of Regulation and Licensing will hold a public hearing at the time and place indicated below to consider an order to repeal s. RL 34.015 (5); to amend ss. RL 30.01 (9), 31.03 (1) (b), 31.035 (1) (b), 31.036 (1) (b), 32.03, 33.05, 34.01 (4), 34.02 (1), (2) (intro.), (a), (2) (b), (5) and (6); to repeal and recreate s. RL 30.01 (10g), 31.03 (4), 31.035 (4), 31.036 (5), 33.025, 33.06 (2) (d), 34.04 (2) (a), 1., 2. and 3., (7) and (8) and 35.01 (4m), relating to peace officers, causes for denial, firearms permits, and firearms proficiency certifiers.

Hearing Information

July 7, 2000
Friday
10:00 A.M.
1400 East Washington Avenue
Room 133
Madison, Wisconsin

Appearances at the Hearing

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Administrative Rules, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by **July 17, 2000** to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Regulation and Licensing.

Statutes authorizing promulgation: ss. 227.11 (2), 440.26 (1) (b), (2) (c), (3m) and (6) and 440.974 (2)

Statutes interpreted: ss. 440.03 (13), 440.26 and 440.974 (2)

This rule proposal includes the following changes:

SECTION 1 makes a technical change that removes unnecessary words from the definition of "original private detective license."

SECTION 2 defines "peace officer."

SECTIONS 3-8 exempt peace officers from the requirement to submit fingerprint cards with their application for a license or permit.

SECTION 9 lists causes for denial of an application for a license or a permit. The proposed rules permit the department to require an applicant to submit an evaluation report, as assessment report or a physical examination report relating to certain types of additions or disorders. The department may deny a license or permit to applicants who make misrepresentations on an application, who have been adjudged to be mentally incompetent, who have various emotional and behavioral disorders, and who are addicted to alcohol or controlled substances.

SECTION 10 corrects an error in the current rules relating to the fee that is required of persons who renew a license or a permit after it has expired for 5 years or more.

SECTION 11 creates a requirement that a person, while on duty as a private security person, have on his or her person a private security permit issued by the department and, if carrying a firearm, a firearms permit issued by the department.

SECTION 12 clarifies the intent of a current rule by stating that licensed private detectives may not wear, use or display any badge, shield or star in the course of acting as a private detective.

SECTION 13 adds "insurance companies" to the list of those with whom a private detective agency is not required to enter into a written agreement before providing services to them.

SECTION 14 amends s. RL 34.01 (4) to provide that a peace officer, as defined in s. 939.22 (22), Stats., may carry on, about or near his or her person a firearm, concealed or otherwise, when acting as a private detective or private security person, provided that the peace officer obtains a firearms permit from the department. The department may grant an exemption from this requirement to a peace officer who submits to the department a letter from a law enforcement agency, written not more than one month before the date of receipt by the department, stating that the law enforcement agency will accept liability for the peace officer's use of a firearm while on duty for the private detective agency.

SECTION 15 repeals a rule that requires applicants for a firearms permit to submit fingerprint cards with their application for a permit. This change is proposed because the department now issues permits to private security persons and the department requires them to submit fingerprint cards with their application for a private security permit.

SECTION 16 repeals the requirement that the firearms training be repeated with each specific type of firearm the person will carry.

SECTIONS 17, 18 and 19 permits the department to approve a person as a firearms proficiency certifier, not just when currently-approved by the Wisconsin law enforcement standards board or currently-certified by the National Rifle Association, but also when the person has received comparable training, as specifically stated in the rule, from a staff instructor of the National Rifle Association or a regional school approved by the Wisconsin Law Enforcement Standards Board.

SECTION 20 requires a firearms proficiency certifier to annually apply for approval as a firearms proficiency certifier.

SECTION 21 creates an additional cause for discipline, that is, the fact that a private security person fails to carry the required permits when on duty as a private security person.

Fiscal Estimate

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

Initial Regulatory Flexibility Analysis

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Copies of Rule and Contact Person

Copies of this proposed rule are available without cost upon request to: Pamela Haack, Department of Regulation and Licensing, Office of Administrative Rules, 1400 East Washington Avenue, Room 171, P.O. Box 8935, Madison, Wisconsin 53708 (608) 266-0495.

Notice of Hearing

Regulation and Licensing
(Real Estate Appraisers Board)

[CR 00-97]

Notice is hereby given that pursuant to authority vested in the Department of Regulation and Licensing in ss. 227.11 (2) and 458.24, Stats., and interpreting ss. 458.24 and 458.26 (3) (b), Stats., the Department of Regulation and Licensing will hold a public hearing at the time and place indicated below to consider an order to repeal s. RL 86.01 (6); and to repeal and recreate ch. RL 87, Appendix I, relating to the 2000 edition of the Uniform Standards of Professional Appraisal Practice (USPAP).

Hearing Information

The hearing will be held as follows:

<u>Date and Time</u>	<u>Location</u>
June 28, 2000 Wednesday 9:45 a.m.	Room 180 1400 East Washington Ave. MADISON, WI

Written Comments

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Administrative Rules, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by **Friday, June 30, 2000** to be included in the record of rule-making proceedings.

Analysis Prepared by the Dept. of Regulation and Licensing

Statutes authorizing promulgation: ss. 227.11 (2) and 458.24

Statutes interpreted: ss. 458.24 and 458.26 (3) (b)

In this proposed rule-making order, the Department of Regulation and Licensing repeals s. RL 86.01 (6) and repeals and recreates the Uniform Standards of Professional Appraisal Practice ("USPAP") which is contained in ch. RL 87, Appendix I.

Section RL 86.01 (6) states that a certified or licensed appraiser shall not offer to perform, nor perform, services which he or she is not competent to perform through education or experience. This provision is being repealed because it is not consistent with the Competency Rule contained in USPAP. The Competency Rule states that prior to accepting an assignment or entering into an agreement to perform any assignment, an appraiser must properly identify the problem to be addressed and have the knowledge and experience to complete the assignment; or alternatively:

- Disclose the lack of knowledge and/or experience to the client before accepting the assignment; and
- Take all steps necessary or appropriate to complete the assignment competently; and
- Describe the lack of knowledge and/or experience and the steps taken to complete the assignment competently in the report.

The Uniform Standards of Professional Appraisal Practice set forth in ch. RL 87, Appendix I, is being repealed and recreated to include revisions contained in the 2000 edition of USPAP. Under s. 458.24, Stats., the Department is required to periodically review the “Uniform Standards of Professional Appraisal Practice” and, if appropriate, revise its rules to reflect revision to the Standards.

Key Features Of The 2000 Edition Of The Uniform Standards Of Professional Appraisal Practice (USPAP).

The 2000 edition of USPAP is the result of exposure drafts that occurred on April 27, April 28, June 25 and August 11, 1999. On the basis of written responses and substantial public testimony at Appraisal Standards Board (ASB) public hearings, the ASB formally adopted the 2000 edition of USPAP on September 15, 1999. Based on the input of professional organizations, educators, regulators, and state enforcement agencies, the effective date of the 2000 edition of USPAP is January 1, 2000.

Format:

Consecutive line numbers have been added to the text beginning with the Preamble and concluding at the end of Statement 9 (SMT-9). Consecutive line numbers have also been added to each Advisory Opinion. The line numbers are intended to facilitate references to the document, including the identification of changes from the previous action.

Ethics Rule:

The Confidentiality section has been changed to include the appraiser’s obligation to “act in good faith with regard to the legitimate interests of the client in the use of confidential information and in the communication of assignment results” (Lines 135–136). The term “confidential factual data” has been replaced with “confidential information” (Line 138). The comment in the Confidentiality section has been modified to clarify that the section does not apply when confidential elements have been removed through redaction or the process of aggregation (Lines 144–146). The definition of confidential information was clarified by removing the reference to “publicly available” information. The revised definition focuses on information received from and identified by the client as being confidential when given to the appraiser.

Competency Rule:

The Competency Rule has been changed to acknowledge that different kinds of competency may be necessary in an assignment. These include, but are not limited to, “an appraiser’s familiarity with a specific type of property, a market, a geographic area, or an analytical method” (Lines 198–199). When these or potentially other forms of competency are necessary for developing credible results, appraisers are responsible for having the requisite competency to complete the assignment properly, or they must follow the steps outlined in the Rule.

Definitions:

Modifications were made to the definitions of CONFIDENTIAL INFORMATION (Line 395), PERSONAL PROPERTY (Line 439) and REPORT (Line 451.) The definition of REVIEW was replaced with a definition of APPRAISAL REVIEW (Line 358). One new definition was added: ASSIGNMENT RESULTS (Line 367).

Standard 1:

Standards Rule 1-2(f) was modified to identify more specifically the parties associated with the appraiser’s scope of work obligations. Accordingly, the phrase “third party” was replaced with the “client, an intended user, or the appraiser’s peers” in the same or a similar assignment” (Line 620).

Standard 2:

Standards Rule 2-4 was changed to clarify what compliance with the Rule means and to permit departure when the appraiser is not able to comply (Line 1201–1202). References to “the extent that is both possible and appropriate” and “including expert testimony” have been deleted.

Standard 3:

Changes to Standard 3 restructure the requirements for better organization, consistency, and understandability in appraisal review, clarify a number of concepts in the Standard, and incorporate personal property valuation into the Standard’s text. As mentioned above, the term REVIEW was replaced with a definition of APPRAISAL REVIEW. Throughout the document, the phrases “review,” “review appraisal,” and “review appraiser” have been updated to “appraisal review” or “reviewer” for consistency with the revisions to Standard 3. The Comment section of the Standard clarifies the nature of appraisal review and scope of work obligations (Lines 1231–1256). Standards Rules 3-1 and 3-2 (Lines 1258–1429) have been expanded to achieve better clarity and consistency with the other development and reporting standards. Standards Rule 3-3-3 (Lines 1431–1439) was added to clarify how the Standard applies to oral appraisal review reports. Statement 1 (STM-1), which concerned clarifications to the Comment on Standards Rule 3-1(g) in previous editions, was retired (see below).

Standards 7 and 8:

With the exception of Standards Rule 8-5, Standards 7 and 8 were comprehensively updated to include terminology familiar to personal property appraisers, to ensure consistency, where appropriate, with the structure and concepts adopted in other parts of the document, and to assist personal property appraisers and users of personal property appraisals in understanding and applying the Standards in practice.

Standards 9 and 10:

With the exception of Standards Rules 10-1(c) and 10-5, Standards 9 and 10 were comprehensively updated to include terminology familiar to business appraisers, to ensure consistency, where appropriate, with the structure and concepts adopted in other parts of the document, and to assist business appraisers and users of business and intangible asset appraisals in understanding and applying the Standards in practice.

Statement 1:

As the subject matter of this Statement was incorporated into the changes associated with Standard 3, STM-1 was retired. However, its number and place in the document have been retained for editorial consistency (Lines 3323–3329).

Statements 3, 4, 6, 7 and 9:

These Statements have been edited to add references and/or text consistent with the terminology used in the context of Standard 8. For example, previous references to “real estate” have been eliminated and replaced with “property” or “appraisals” (Lines 3440–3576, 3686–4120, 4215–4938.)

Advisory Opinions:

Advisory Opinion 8 (AO-8) was updated to reflect current Financial Accounting Standards Board (FASB) references to “fair value.” Advisory Opinion 19 (AO-19), “Unacceptable Assignment Conditions in Real Property Appraisal Assignments,” was added.

Note: Administrative edits were made to all sections of the document to improve consistency.

Fiscal Estimate

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

Initial Regulatory Flexibility Analysis

These proposed rules will be reviewed by the Department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Copies of Rule and Contact Information

Copies of this proposed rule are available without cost upon request to:

Pamela Haack
Department of Regulation and Licensing
Office of Administrative Rules
1400 East Washington Ave., Room 171
P.O. Box 8935
Madison, WI 53708

Telephone (608) 266-0495

Notice of Hearing

Transportation

[CR 00-99]

Notice is hereby given that pursuant to ss. 85.16 (1) and 348.07 (4), Stats., interpreting s. 348.07 (4), Stats., the Department of Transportation will hold a public hearing at the following location to consider the amendment of ch. Trans 276, Wis. Adm. Code, relating to allowing the operation of “double bottoms” and certain other vehicles on certain specified highways.

Hearing Information

The hearing will be held as follows:

Date and Time	Location
June 29, 2000 Thursday 10:00 a.m.	Room 419, Hill Farms State Trans. Bldg. 4802 Sheboygan Ave. MADISON, WI

(Parking is available for persons with disabilities)

Written Comments

The public record on this proposed rule-making will be held open until close of business on the date of the hearing to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such written comments should be submitted to:

Ashwani K. Sharma, Traffic Operations Engineer
Bureau of Highway Operations, Room 501
P. O. Box 7986
Madison, WI 53707-7986

Analysis Prepared by the Wis. Dept. of Transportation

Statutory authority: ss. 85.16 (1) and 348.07 (4)

Statute interpreted: s. 348.07 (4)

General Summary of Proposed Rule:

This proposed rule amends s. Trans 276.07 (11), Wis. Adm. Code, to add one segment of highway to the designated highway system established under s. 348.07 (4), Stats. The actual highway segment that this proposed rule adds to the designated highway system is:

<u>Hwy.</u>	<u>From</u>	<u>To</u>
STH 55	USH 41 in Kaukauna	STH 54 South of Seymour

Note: The proposed rule text often achieves these objectives by consolidating individual segments into contiguous segments with new end points. In order to determine the actual highway segment added, it is necessary to compare the combined old designations with the combined new designation.

The long trucks to which this proposed rule applies are those with 53-foot semitrailers, double bottoms and the vehicles which may legally operate on the federal National Network, but which exceed Wisconsin's regular limits on overall length. Generally, no person may operate any of the following vehicles on Wisconsin's highways without a permit: A single vehicle with an overall length in excess of 40 feet, a combination of vehicles with an overall length in excess of 65 feet, a semitrailer longer than 48 feet, an automobile haulaway longer than 66 feet plus allowed overhangs, or a double bottom. Certain exceptions are provided under s. 348.07 (2), Stats., which implements provisions of the federal Surface Transportation Assistance Act in Wisconsin.

Note: 45-foot buses are allowed on the National Network and Interstate system by Federal law. Section 4006 (b) of the Intermodal Surface Transportation Efficiency Act of 1991.

The effect of this proposed rule will be to extend the provisions of ss. 348.07 (2) (f), (fm), (gm) and (gr), and 348.08 (1) (e), Stats., to the highway segments listed above. As a result, vehicles which may legally operate on the federal National Network in Wisconsin will also be allowed to operate on the newly-designated highways. Specifically, this means there will be no overall length limitation for a tractor-semitrailer combination, a double bottom or an automobile haulaway on the affected highway segments. There also will be no length limitation for a truck tractor or road tractor when operated in a tractor-semitrailer combination or as part of a double bottom or an automobile haulaway. Double bottoms will be allowed to operate on the affected highway segments provided neither trailer is longer than 28 feet, 6 inches. Semitrailers up to 53 feet long may also be operated on these highway segments provided the kingpin-to-rear axle distance does not exceed 43 feet. This distance is measured from the kingpin to the center of the rear axle or, if the semitrailer has a tandem axle, to a point midway between the first and last axles of the tandem. Otherwise, semitrailers, including semitrailers which are part of an automobile haulaway, are limited to 48 feet in length.

These vehicles and combinations are also allowed to operate on undesignated highways for a distance of 5 miles or less from the designated highway in order to reach fuel, food, maintenance, repair, rest, staging, terminal or vehicle assembly or points of loading or unloading.

Fiscal Estimate

The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district or sewerage district.

Initial Regulatory Flexibility Analysis

The provisions of this proposed rule adding highway segments to the designated system have no direct adverse effect on small businesses, and may have a favorable effect on those small businesses which are shippers or carriers using the newly-designated routes.

Copies of Rule and Contact Information

Copies of this proposed rule are available without cost upon request to the office of the State Traffic Engineer, Room 501, P. O. Box 7986, Madison, WI 53707-7986, telephone (608) 266-1273. For questions about this rule-making, please call Ashwani Sharma, Traffic Operations Engineer at (608) 266-1273 or write to the address previously provided. Alternate formats of the proposed rule will be provided to individuals at their request.

***NOTICE OF SUBMISSION OF PROPOSED RULES TO THE PRESIDING OFFICER OF EACH HOUSE OF THE LEGISLATURE,
UNDER S. 227.19, STATS.***

Please check the Bulletin of Proceedings for further information on a particular rule.

Agriculture, Trade and Consumer Protection (CR 99-72):

Ch. ATCP 160 – Relating to county and district fairs.

Arts Board (CR 00-63):

S. AB 2.09 (5) – Relating to the distribution of arts challenge initiative incentive grant funds.

Ethics Board (CR 00-71):

S. Eth 1.03 – Relating to the definition of a topic of a lobbying communication.

Health and Family Services (CR 00-1):

Chs. HFS 82, 83, 88, 124 and 131 to 134 – Relating to non-expiring licenses and certification and a required annual or biennial report for certified adult family homes, licensed adult family homes, community-based residential facilities (CBRFs), hospice programs, nursing homes, home health agencies and facilities for the developmentally disabled (FDDs) and a required annual report for hospitals.

Investment Board (CR 00-70):

S. IB 2.04 – Relating to Investment Board title holding companies.

Natural Resources (CR 99-109):

SS. NR 216.45, 405.15, 406.08, 408.09 and 411.07 and chs. NR 300 and 400 – Relating to the fee refund or “permit guarantee” program required by s. 299.05, Stats.

Natural Resources (CR 00-29):

Ch. NR 135 – Relating to reclamation of nonmetallic mining sites.

Natural Resources (CR 00-31):

Ch. NR 10 and ss. NR 11.02, 11.05, 15.022 and 16.02 – Relating to hunting, trapping and captive wildlife, and also to dove hunting.

Natural Resources (CR 00-33):

Chs. NR 20 and 26 and s. NR 22.04 – Relating to sport fishing regulations on inland and boundary waters and fish refuges on inland waters.

Technical College System Board (CR 00-44):

Ch. TCS 16 – Relating to grants for students.

Transportation (CR 00-57):

Chs. Trans 101 to 104 and s. Trans 117.03 – Relating to the demerit point system and graduated driver license (GDL) restriction extensions.

Transportation (CR 00-68):

S. Trans 131.03 (2) (b) – Relating to emission tests.

Transportation (CR 00-69):

SS. Trans 325.02 and 326.01 and ch. Trans 328 – Relating to motor carrier safety regulations.

Transportation (CR 00-77):

S. Trans 276.07 (4) – Relating to allowing the operation of “double bottoms” (and certain other vehicles) on certain specified highways.

Transportation (CR 00-85):

Ch. Trans 142 – Relating to recreational vehicle (RV) dealer trade practices, facilities and records.

ADMINISTRATIVE RULES FILED WITH THE REVISOR OF STATUTES BUREAU

The following administrative rules have been filed with the Revisor of Statutes Bureau and are in the process of being published. The date assigned to each rule is the projected effective date. It is possible that the publication of these rules could be delayed. Contact the Revisor of Statutes Bureau at (608) 266-7275 for updated information on the effective dates for the listed rules.

Corrections (CR 97-158):

An order creating chs. DOC 371, 373, 374, 375, 376, 379, 380, 381, 383, 392, 393, 394, 396, 397, 398 and 399, relating to:

- 1) Identifying a youth's program needs; establishing a case management plan; and making appropriate decisions regarding extension, release, transfer and discharge of a youth;
- 2) Conduct of juveniles placed under the supervision of the Department of Corrections in a type 1 secured correctional facility;
- 3) Administrative confinement for youth in juvenile secured correctional facilities;
- 4) Observation status for youth in type 1 secured correctional facilities;
- 5) Security issues for a youth placed under the supervision of the Department of Corrections in a type 1 secured correctional facility;
- 6) Resources for a youth placed under the supervision of the Department of Corrections in a type 1 secured correctional facility;
- 7) A complaint procedure for youth in type 1 secured correctional facilities;
- 8) Furloughs and off-grounds and trial visits for youth in type 1 secured correctional facilities;
- 9) Use of psychotropic medication for youth in type 1 juvenile secured correctional facilities;
- 10) Conduct of drug testing by the Department and county departments of youth adjudicated delinquents;
- 11) Conduct of youth placed on juvenile parole following release from secured correctional services and revocation of a youth's juvenile parole for violation of a condition of parole;
- 12) Designation of certain child-caring institutions as type 2 child-caring institutions and to treatment of youth who are placed in type 2 child-caring institutions by the courts;
- 13) Youth who are in type 2 secured correctional facility status through placement in the corrective sanctions program, the community phase of the serious juvenile offender program or a type 2 secured correctional facility operated by a child welfare agency;
- 14) Supervision programs for delinquent youth;
- 15) County intensive supervision program for delinquent youth; and
- 16) Training of juvenile court intake workers.

Effective 07-01-00.

Crime Victims' Rights Board (CR 99-153):

An order creating ch. CVRB 1, relating to the review of complaints alleging violations of the rights of crime victims. Effective 08-01-00.

Public Instruction (CR 99-169):

An order creating ch. PI 44, relating to alternative education grants. Effective 08-01-00.

Public Instruction (CR 00-3):

An order creating s. PI 6.07, relating to public library system aid payment adjustments. Effective 08-01-00.

Public Instruction (CR 00-4):

An order affecting ss. PI 40.055 and 40.056, relating to the youth options program. Effective 08-01-00.

Public Instruction (CR 00-5):

An order affecting ch. PI 35, relating to the Milwaukee parental school choice program. Effective 08-01-00.

Public Instruction (CR 00-12):

An order repealing and recreating ch. PI 32, relating to grants for alcohol and other drug abuse (AODA) programs. Effective 08-01-00.

Public Instruction (CR 00-13):

An order creating ch. PI 10, relating to supplemental aid for school districts with a large area. Effective 08-01-00.

Public Instruction (CR 00-14):

An order creating ch. PI 24, relating to state aid for achievement guarantee contracts and aid for debt service. Effective 08-01-00.

Public Service Commission (CR 98-27):

An order affecting ch. PSC 113, relating to service rules for electric utilities. Effective 08-01-00.

Public Service Commission (CR 98-174):

An order affecting ch. PSC 100, relating to wholesale merchant plants. Effective 08-01-00.

PUBLIC NOTICE

Public Notice *Dept. of Transportation*

Public Notice of August 1, 2000 effective date for Sections 7, 12, 14, 15, 18, 39, 40, 43, 49, 50, 51, 52, 53, 64, 65, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, and 80 of 1997 Wis. Act 84, sections 2750 and 2751 of 1999 Wis. Act 9, and all sections of 1999 Wis. Act 143.

Section 85.515, Stats., as created by section 1g of 1997 Wis. Act 84 (“the Act”), and amended by 1999 Wis. Act 9, permits the Secretary of the Department of Transportation to implement provisions of 1997 Wis. Act 84 as the Department’s computerized information systems become operational. Section 9450 (1) of 1999 Wis. Act 9 and section 9 of 1999 Wis. Act 143 permit the Secretary to implement related amendments to the vehicle code in the same manner.

The Department’s computerized information systems will be able to implement the statutory changes set forth in sections 7, 12, 14, 15, 18, 39, 40, 43, 49, 50, 51, 52, 53, 64, 65, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, and 80 of 1997 Wis. Act 84, sections 2750 and 2751 of 1999 Wis. Act 9, and all sections of 1999 Wis. Act 143 as of **August 1, 2000.**

By this public notice, and under the authority of s. 85.515, Stats., as created by section 1g of 1997 Wis. Act 84, and as amended by 1999 Wis. Act 9, section 9450 (1) of 1999 Wis. Act 9 and section 9 of 1999 Wis. Act 143, Terrence D. Mulcahy, Secretary of the Wisconsin Department of Transportation, declares that the following sections of 1997 Wis. Act 84, 1999 Wis. Act 9 and 1999 Wis. Act 143 shall be effective as of **August 1, 2000:**

Sections made Effective	Affected Statutory Sections
1997 Wis. Act 84 Section 7	343.06(2)
1997 Wis. Act 84 Section 12	343.10(8)
1997 Wis. Act 84 Sections 14 and 15	343.18(3)
1997 Wis. Act 84 Section 18	343.30(1g)
1997 Wis. Act 84 Section 39	343.31(1)(h)
1997 Wis. Act 84 Section 40	343.31(1)(hm)
1997 Wis. Act 84 Section 43	343.31(2m)
1997 Wis. Act 84 Sections 49 to 51	343.31(3)(g), (h) and (4)
1997 Wis. Act 84 Sections 52 and 53	343.315(1)
1997 Wis. Act 84 Sections 64 and 65	343.38(2) and (3)
1997 Wis. Act 84 Sections 67 to 80	343.44
1999 Wis. Act 9 Section 2750	343.44(2)(a)
1999 Wis. Act 9 Section 2751	343.44(2)(am)
1999 Wis. Act 143 Section 1	343.30(1g)(b)
1999 Wis. Act 143 Section 2	343.31(1)(f)
1999 Wis. Act 143 Section 3	343.31(1)(hm)
1999 Wis. Act 143 Section 4	343.38(1)(c)2.d.

Sections made Effective	Affected Statutory Sections
1999 Wis. Act 143 Section 5	343.44(2)(am)
1999 Wis. Act 143 Section 6	343.44(2)(b)
1999 Wis. Act 143 Section 7	343.44(2r)
1999 Wis. Act 143 Section 8	Nonstatutory provision
1999 Wis. Act 143 Section 9	Nonstatutory provision

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